

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 24, 2015

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, November 24, 2015.

Pastor Matt Sharpe, Evanston Avenue Baptist Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners German, Rinsema-Sybenga, Turnquist, Johnson, and Hood. City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2015-89 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the November 9, 2015 Worksession Meeting and the November 10, 2015 Regular City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Gaming License Request from the Muskegon Senior High School Band Parents Association City Clerk

SUMMARY OF REQUEST: The Muskegon Senior High School Band Parents Association is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

C. Rezoning Request for the Property Located at 962 W. Sherman Avenue Planning & Economic Development Department

SUMMARY OF REQUEST: Request to rezone property at 962 West Sherman

Avenue from B-2, Convenience and Comparison Business District, to B-4, General Business District, by MJK Properties.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their November 12, 2015 meeting.

D. Rezone Properties from I-2, General Industrial, to WI-PUD, Waterfront Industrial Planned Unit Development, on Portions of Causeway and Bank Street Planning & Economic Development Department

SUMMARY OF REQUEST: Staff initiated request to rezone the properties located at 53 Bank Street, 59 Bank Street, 151 North Causeway, a portion of 131 North Causeway, and a portion of 401 North Causeway, from I-2, General Industrial, to WI-PUD, Waterfront Industrial Planned Unit Development.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their November 12, 2015 meeting.

E. Permanent Traffic Control Orders – Removal of Traffic Signals and Installation of Stop and Speed Limit signs on and along Muskegon and Webster from 9th to Spring – Traffic Control Orders # 19 and # 20 – (2015) Department of Public Works

SUMMARY OF REQUEST: Authorize staff to remove traffic signals and install stop signs and speed limit signs along and intersecting Muskegon and Webster Avenues, per Traffic Control Orders #19 and #20 – (2015).

FINANCIAL IMPACT: Cost incorporated into the reconstruction of Muskegon and Webster Avenues.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to remove and install various traffic control devices per Traffic Control Orders #19 and #20 – (2015).

F. Removed at Staff Request

G. Purchase of HUD Home at 2324 Park Drive Community and Neighborhood Services Department

SUMMARY OF REQUEST: To approve the purchase of a HUD home located at 2324 Park Drive in Campbell Neighborhood for the price of \$45,000 (*Forty-Five Thousand Dollars*).

After the sale, Community and Neighborhood Services will rehabilitate the single

family dwelling as part of the HOME funded Home Buyers Program.

FINANCIAL IMPACT: The funding used for the purchase and rehabilitation will come from 2015 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the property.

H. Engineering Services Agreement with Hubbell, Roth & Clark, Inc.

Engineering Department

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Hubbell, Roth and Clark, Incorporated out of Grand Rapids to perform the design and construction engineering for the section of trail between Keating at Port City Boulevard and the Musketawa Trail at an estimated cost of \$21,845.

The recommendation for Hubbell, Roth, & Clark, Inc., was arrived at after reviewing two other proposals from Westshore Engineering for \$22,880 and from Fleis & Vandenbrink Engineering for \$34,300.

FINANCIAL IMPACT: The engineering fee and the construction cost will be paid for via an MDNR grant the City had secured a while back.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to enter into an engineering services agreement with Hubbell, Roth, & Clark, Inc.

I. SEIU Clerical Union Contract Ratification City Manager

SUMMARY OF REQUEST: SEIU Unit 1 currently has approximately 20 members, most of them classified as Customer Service Representatives. These are the city's front-line team members and they handle important tasks for the Treasurer's Office, as well as the City Clerk, Community and Neighborhood Services, Police, and Public Works Departments. The group's current collective bargaining agreement is set to expire on December 31, 2016. The contract calls for a wage opener to determine wages effective January 1, 2016. As part of the wage negotiations, city staff and unit bargaining team members tentatively agreed to extend the current agreement for two additional years with the following changes:

1. 2.5% wage increase effective January 1, 2016
2. Creation of a 12th pay step effective January 1, 2017
3. Creation of a 13th pay step effective January 1, 2018
4. Changes to the merit step system for pay steps after step 4
5. Increase the employer match to the employee HSCP from 1% to 3%
6. New expiration date of December 31, 2018

FINANCIAL IMPACT: As listed above.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To thank the members of SEIU Unit 1 for their hard work and dedication to the citizens of Muskegon, approve the tentative agreement, and authorize the Mayor and Clerk to sign the contract.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to approve the consent agenda as read, with the exception of item J.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Spataro, and German

Nays: None

MOTION PASSES

2015-90 ITEMS REMOVED FROM CONSENT AGENDA:

J. New Plow Truck Department of Public Works

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase one new plow truck from West Michigan International, the MI-Deal State contract holder.

FINANCIAL IMPACT: \$84,292.85

BUDGET ACTION REQUIRED: None. This is the amount budgeted for.

STAFF RECOMMENDATION: Authorize staff to purchase (1) one new plow truck from West Michigan International, LLC.

Motion by Commissioner German, second by Vice Mayor Spataro, to authorize staff to purchase one new plow truck from West Michigan International, LLC.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

PRESENTATIONS:

The West Michigan Lake Hawks Basketball Team was introduced at this time.

2015-91 PUBLIC HEARINGS:

A. Public Hearing & Approval of the Parks & Recreation Master Plan 2016 Update Planning & Economic Development Department

SUMMARY OF REQUEST: In order to seek grant money to update or improve on our parks we must have an approved Parks and Recreation Plan submitted to and approved by the State. The plan would be active for the maximum 5 years allowed by the State. Therefore, staff has worked on updating the plan and had the first public hearing before the Planning Commission on August 13, 2015. In addition, minor changes were included, as well as updates to existing parks being added.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold a public hearing and for the City Commission to adopt the "Muskegon Parks & Recreation Master Plan 2016" updates and to authorize the Mayor and Clerk to sign any documents necessary to the updates and to forward the plan to the Michigan Department of Natural Resources for final approval.

COMMITTEE RECOMMENATION: The Planning Commission held a public hearing and recommended approval at their regular meeting of August 13, 2015.

PUBLIC HEARING COMMENCED

No public comments received.

Motion by Vice Mayor Spataro, second by Commissioner German, to close the public hearing.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

Motion by Commissioner Johnson, second by Vice Mayor Spataro, to adopt the "Muskegon Parks & Recreation Master Plan 2016" updates and authorize the Mayor and Clerk to sign any documents necessary to the updates and to forward the plan to the Michigan Department of Natural Resources for final approval.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

B. Public Hearing to Create a Special Assessment District in the Business Improvement District Planning & Economic Development

SUMMARY OF REQUEST: The Downtown Business Improvement District (BID) Board has requested a special assessment district for downtown properties. The assessments will go towards various downtown expenditures, including snow removal on sidewalks, spring/fall cleanup and landscaping, holiday decorating, banners and direction signs, marketing, advertising, and art. The BID assessment includes both a "Class A" and a "Class B" district.

FINANCIAL IMPACT: The total estimated cost of services within the BID is \$128,467.36 of which approximately 97% (\$124,864.32) will be paid by the special assessment funds paid by property owners, with the remaining cost being paid by the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To create the special assessment district as outlined and assign two City Commissioners to the Board of Assessors by adopting the resolution.

PUBLIC HEARING COMMENCED

Public Participation: the following members of the public spoke regarding the special assessment:

David Wells, Attorney for Press' Development, LLC, Twin Lake re: 275 W. Clay - opposed

Alan Jager, 8081 Holton Duck Lake Road, Holton, MI – owner of 275 W. Clay - opposed

Tammy Jager, 8081 Holton Duck Lake Road – opposed

Clyde Whitehouse for Hot Rod Harley at 149 Shoreline Drive – opposed

Michael Hennessey, 5100 Crystal Lake Road, owns Boar's Belly and Hennessey's – opposed

Brad Link, owner of business at 1125 Third St, business and residence address - opposed

Michael Kordecki – 1145 Third Street, 5 properties downtown, asks that hearing be continued, not in favor or opposed at this time.

NEBA LLC, Owner of 591 W. Western – opposed

Gary Post, 272 W. Clay, Owner of Heritage Square and Russell Block – in favor

Jim Riley from Norton Shores, opposed

Kim Lemke – owner of Positivity, 1137 Third - opposed

David Fukes – 20 E Muskegon – opposed

Mark Campbell, Hot Rod Harley – 149 Shoreline – opposed

Ed Garner, BID Board Member – money will not go toward salaries – in favor

Julie Miller – 585 W. Clay – opposed

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to close the public hearing.

ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, and Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Johnson, to create the special assessment district as outlined and assign two City Commissioners to the Board of Assessors by adopting the resolution,

ROLL VOTE: Ayes: Rinsema-Sybenga, Johnson, Gawron, Hood, and Spataro

Nays: German and Turnquist

MOTION PASSES

Commissioner Rinsema-Sybenga and Commissioner Johnson are appointed to the Board of Assessors.

2015-92 NEW BUSINESS:

A. Midtown Square: Allen Edwin Homes – Contract Approval Planning & Economic Development Department

SUMMARY OF REQUEST: Staff has been coordinating with Allen Edwin Homes to develop plans for Midtown Square (9 homes on property bounded by Houston, Monroe, Fourth, and Fifth). The City Commission authorized staff to proceed with negotiations with Allen Edwin Homes at their September 22, 2015 meeting. Those negotiations are now complete and a contract has been prepared for review and approval.

FINANCIAL IMPACT: The City of Muskegon will be responsible for the costs associated with building the nine new homes, including realtor fees. The homes will be sold for the amount necessary to recoup these costs, or an amount close to the actual costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the contract between Allen Edwin Homes and the City of Muskegon and authorize the Mayor and Clerk to sign the document and proceed with construction and sale of the Midtown Square Homes.

Comments received from the public including residents in the neighborhood and Allen Edwin Homes Representatives.

Motion by Vice Mayor Spataro, second by Commissioner Hood, to approve the contract between Allen Edwin and the City of Muskegon and authorize the Mayor and Clerk to sign the document and proceed with construction and sale of the Midtown Square homes.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Spataro, and German

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Chief Lewis reminded residents about the winter parking ban/plan – beginning December 15, 2015 – no parking will be allowed on the street between 2:00 a.m. and 6:00 a.m. Parking on the terrace will be allowed. Courtesy reminder notices will be issued until the first of the year. After the first, citations will be issued. The parking plan is in effect through the last day of February.

ADJOURNMENT: The City Commission Meeting adjourned at 8:13 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC
City Clerk